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TAGS: [EAID](#) [ELAB](#) [ETRD](#) [PHUM](#) [SOCI](#) [PM](#) [LABOR](#) [HUMAN](#) [RIGHTSPOLMIL](#)
SUBJECT: PANAMA CHILD LABOR UPDATE FOR TRADE DEVELOPMENT
ACT REPORT

REF: A. STATE 163967
[B](#). 03 PANAMA 02286

Summary

The GOP made progress toward eliminating the worst forms of child labor in 2004. It worked with ILO/IPEC to begin to identify the worst forms of child labor, enacted a new law aimed at combating child commercial sexual exploitation, and created a regional subcommittee to combat the use of children as household servants. In response to Reftel A, this cable summarizes last year's child labor cable (Reftel B). As requested in Reftel A, copies of all original data sources will be sent to DOL via diplomatic pouch. End Summary.

[A](#). Does Panama have adequate laws and regulations proscribing the worst forms of child labor?

- Panama ratified ILO Convention 182 in May 2000.

- The minimum age for basic employment in Panama is 14 years, although children between 13 and 14 years may work under certain conditions in agriculture and light domestic labor. Minors under the age of 18 years may not engage in hazardous labor.

- Panama's labor laws cover all sectors.

- Panama's labor code prohibits minors from engaging in work that may be dangerous to the "life, health or morality" of the child. This includes work in businesses which serve alcohol, all forms of transportation, work with electricity, work with explosive or flammable material, work in mines, and work with radioactive substances.

- The ability to work at age 14 is contingent upon completion of primary school. If this condition is not met, the limit is 15 years of age. Children under 16 may not work overtime. Children under 18 may not work at night.

[1](#). Has the GOP developed a list of occupations considered to be the worst forms of child labor?

- In 2002, the U.S. Department of Labor (DOL) fully funded a \$1 million program with the International Labor Organization/International Programme on the Elimination of Child Labor (ILO/IPEC) to work with the GOP to create a Country Program to Combat Child Labor and to define the worst forms of child labor in Panama. The program aims to remove 1,000 children from the worst forms of child labor by the program's end in December 2005.

- Through the program, the Ministry of Labor's Committee for the Eradication of Child Labor and ILO/IPEC have organized a series of workshops to create the Country Program to Combat the Worst Forms of Child Labor. Also, ILO/IPEC and the Ministry of Labor's National Labor Inspection Directorate have conducted consultative seminars to identify the Worst

Forms of Child Labor in Panama in two provinces. ILO/IPEC believes the GOP will have finished the consultative process and have identified the worst forms of Child Labor by December 2004.

- The Inspection Directorate and ILO/IPEC have also studied child domestic labor in Panama, child commercial sexual exploitation in Panama, and child labor in the coffee industry in Panama. The Inspection Directorate and ILO/IPEC have analyzed the results of a 2000 survey on Child Labor conducted by the GOP Statistics Office. The GOP is also studying child labor in car washes in Panama.

B. Does Panama have adequate laws and regulations for the implementation and enforcement of such measures?

- Businesses that employ underage children or violate in other ways the laws regarding employment of minors can face a \$50 - \$700 fine.

- If a child's work is found to be abusive (defined as any activity that may affect the physical or mental health of a child), the employer may face a two-to-six year prison sentence.

- Children over 12 are permitted to do light work as household servants only if the Ministry of Labor authorizes the work and the work is done outside of school hours. Many employers are not aware of this provision and children often work as household servants without permission.

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1. Have there have been any recent governmental or judicial initiatives to strengthen or enforce child labor legislation and regulations?
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- On March 31, 2004, the GOP enacted Law 16 to strengthen proscriptions against child sexual exploitation by criminalizing and/or increasing penalties for (a) corruption of minors; (b) pimping; (c) maintaining sexual relations with a child; (d) paying minors for sex; (e) use, exhibition, or distribution of pornography containing minors (including internet porn); (f) internet sexual predation; (g) showing pornography to children; and (h) promotion of sex tourism that includes minors.

- Law 16 contains several important measures to increase enforcement of these proscriptions. First, it eliminates the need for a formal complaint before the police and prosecutor's office can investigate sex crimes. Under certain circumstances, the law also permits undercover operations and phone and computer wiretapping in sex crimes cases. In addition, the law delays the running of the statute of limitations in cases of sex crimes against minors until the victim is an adult. Finally, the law eliminates bail in sex crime cases in which a minor is a victim.

- The new law also creates and imposes taxes to fund the National Commission for the Prevention of Sex Crimes and Sexual Exploitation (CONAPREDES). CONAPREDES studies the mechanisms for the prevention and eradication of crimes of sexual exploitation and includes:

- a. The Attorney General;
- b. The Minister of Youth, Women, Family, and Children;
- c. The Minister of Government and Justice;
- d. The Minister of Economy and Finances;
- e. The Ministry of Education;
- f. The Ministry of Health;

g. The President Judge of Juvenile Court;

h. The President of the Commission of Women's Issues, Children's Rights, Youth, and Family of the Legislative Assembly;

i. The Director of The Judicial Technical Police;

j. A coordinator designated by the Executive;

l. A representative of the Ombudsman's Office;

m. A representative of the National Network of Youth and Children;

n. A representative from the National Counsel of Youth and Adolescence; and

o. A representative of the lawyers' union.

- By executive decree on March 31, 2004, the Ministry of Government and Justice created a commission to make recommendations regarding the problem of Trafficking in Persons (TIP).

- By executive decree on September 24, 2003, the Ministry of Labor created the Network of Security and Health Against Unhealthy and Dangerous Child Labor to increase government coordination and compliance with norms against child labor. The network includes:

a. Ministry of Labor;

b. The Ministry of Health;

c. The Ministry of Education;

d. The Ministry of Youth, Children, Women, and Family;

e. Social Security;

f. Council of Health, Security and the Environment of Panama;

g. The Panama Canal Authority;

h. Panama Fire Department;

i. National System of Civil Protection;

j. National Police;

k. Maritime Authority;

l. Legislative Assembly; and

m. an institute, a foundation, and two universities.

- In March 2004, the GOP (with ILO/IPEC and the Canadian government) created the first regional Subcommittee to Eradicate Child Labor in the Province of Veraguas. According to an ILO/OIT technical report, through the Subcommittee nine girls have been retired from domestic (household servant) labor, three inserted in formal education, and five in informal education. In addition, the Subcommittee discovered recruiters who were charging at least \$10-\$20 per head to find young girls for domestic work in Panama City and other parts of the country, sometimes in conditions of near slavery. Generally, the girl would need to pay the money herself, often through a deduction from her first two weeks of pay. The Subcommittee worked with a local transportation company to deny service to girls brought by recruiters if the girls did not have a parental permission card and work

authorization from the Ministry of Labor.

- The Technical Secretary of the Committee to Eradicate Child Labor conducted weekly meetings to coordinate programs during harvest time.
- The GOP toured coffee plantations in Chiriqui Province.

12. Has the GOP designated an authority to implement and enforce child labor laws and regulations?

- The Ministry of Labor's National Labor Inspection Directorate has the responsibility, along with its Ministry of Labor's Child Labor Unit, of enforcing all the laws in Panama's Labor Code and Family Code, as well as ILO Conventions 138 and 182. The Child Labor Unit is charged with conducting inspections; informing employers, parents, and children who solicit work permits of their rights and responsibilities; soliciting sanctions from the Inspection Directorate; coordinating with the Ministry of Youth, Women, Children, and Family in child labor cases; and collaborating and participating in studies.

- The GOP also uses or gives authority to the Committee for the Eradication of Child Labor and the Protection of Child Workers, the Network of Security and Health Against Unhealthy and Dangerous Child Labor, the Technical Judicial Police's Sex Crime Unit, and the Public Ministry's Sex Crimes Prosecutor's Office.

13. What are the mechanisms for receiving, investigating, and addressing child labor complaints?

- The Child Labor Unit of the National Labor Inspection Directorate investigates complaints and violations as follows:

- a. A complaint is received, either from the child, a guardian, or other person involved.
- b. The complaint is sent to the Labor Inspector to determine if any laws have been broken.
- c. If a law has been broken, the Labor Inspector makes recommendations to fix the problem.
- d. A follow-up investigation is performed to determine if the recommendations were implemented.
- e. If not, the Inspector turns the case over to the judiciary for action.

- The Child Labor Unit has a hotline for complaints. According to ILO/IPEC, the Child Labor Unit accomplishes its job under difficult conditions, since the Child Labor Office lacks privacy and the interviewer needs to ask others to leave in order to take a complaint.

- The GOP is working with ILO/IPEC to create a procedures manual for cases involving child household servant labor because, among other complicating factors, the cases involve personal residences.

- With respect to commercial sexual exploitation of children, The Technical Judicial Police's Sex Crimes Unit receives complaints. The Sex Crimes Unit has social workers and psychologists who interview minors. Under the new Law 16 (see above), the GOP can conduct its own investigations without receiving a formal complaint. If a complaint is made or an individual is charged, the Public Ministry's Sex Crimes Prosecutor coordinates the case. In sexual abuse cases, minors are also interviewed by a psychologist and a psychiatrist at the GOP's Forensic Center. The Forensic Center lacks a separate victims reception area, so victims wait in the same room with criminals sent for examinations. If the psychologist or psychiatrist determines that a minor is medically unable to continue being questioned, the

Prosecutor cannot talk to the victim. The case can still be prosecuted based on the evidence already collected, including the examinations by social workers, psychologists, and psychiatrists.

14. What level of resources does the GOP devote to investigating exploitative child labor cases throughout the country?

a. Technical and Human Resources:

- The Child Labor Unit has an interdisciplinary team composed of three social workers, one psychologist, and three child labor inspectors. The Child Labor Unit also has the help of 10-15 inspectors from other departments for raids in the urban and rural areas.

b. Information Resources:

- The Child Labor Unit has two computers, two printers, one telephone line, and one internet line. The Unit also has an additional computer that is used to maintain a child labor database for Panama. The Unit has many books about child labor, legislation, statistics, and national and regional action plans.

c. Economic Resources:

- The GOP funds inspection trips to potential and probable child labor areas within Panama and the monthly salaries of inspectors, social workers, psychologist, secretaries, and statistic technicians.

- Of the \$599,659 that the Government of Panama estimates as its contribution of the Country Program to Eradicate Child Labor (the ILO/IPEC Program funded through DOL discussed above), approximately \$173,901 are budgeted for direct action programs, which include investigation and development of 1000 cases of the most dangerous forms of child labor.

- According to ILO/IPEC, the Technical Judicial Police and the Public Ministry spends approximately \$8,000-\$10,000 per month on the investigation of sexual exploitation cases in general.

- According to ILO/IPEC, the Technical Judicial Police estimates that the GOP's program to implement Law 16 (see above) by investigating commercial sex crimes (both child and adult) will cost \$958,690. This program is not yet funded.

15. How many child labor inspections are conducted annually in Panama?

- From October 2003 to May 2004, the Child Labor Unit conducted 130 routine inspections of children working, interviewed 418 minors, reviewed 356 requests for work authorization, and granted 89 requests for work authorization.

16. How many inspections have resulted in fines, penalties, or convictions in Panama?

- The GOP's penalty regime for child labor is directed at the formal sector and fining businesses. However, according to a 2003 analysis by ILO/IPEC of the GOP Statistics Office's 2000 Survey of Child Labor, more than half of the children and adolescents employed in Panama are employed in the informal or semi-formal sectors.

- In the half year period from September 2003 to February 2004, the Child Labor Unit requested penalties from the Inspection Directorate against five businesses for child labor violations. The Inspection Directorate fined two of

the businesses and dismissed the other two cases for lack of documentation.

17. Has the GOP provided awareness raising and/or training activities for government officials in charge of enforcing child labor laws?

- The GOP has trained its personnel in the following subjects through forums, workshops, classes, meetings, and conferences:

a. Domestic child workers from the perspective of different churches;

b. Treatment of child victims of sexual exploitation;

c. Second Report regarding the Implementation of the Convention of the Rights of the Child before the National Committee of Children's Rights;

d. Creation of the Network of Security and Health in Dangerous Child Work in Latin America (regional);

e. Child Domestic Work (11 sensitivity workshops);

f. Creation of the Network for Security and Health in Dangerous Child Work;

g. Child commercial sexual exploitation (four sensitivity workshops);

h. Progressive elimination of child labor in Panama;

i. National Legislation related to child domestic work with ILO/IPEC, the Ombudsman's Office, and the Ministry of Labor;

j. Intervention in Child Commercial Sexual Exploitation with ILO/IPEC and the Ministry of Youth, Women, Children, and Family;

k. Study with ILO/IPEC regarding child packers in supermarkets and meeting with supermarket management;

l. Child Labor in its Worst Forms; and

m. Coffee growers and indigenous comarcas authorities (meetings).

- The judiciary, the Public Ministry, the National Police, and the Ministry of Labor have participated in the above training.

- The GOP has also been training the National Technical Police, the Public Ministry, The Judiciary, the Ministry of Youth, Women, Children, and the Family, the Ministry of Health, the Ministry of Education, and non-governmental organizations in the new Law 16 (see above) regarding child sexual exploitation. In July 2004, the GOP, with assistance from the U.S. Bureau of Immigration and Customs Inspection and ILO/IPEC, conducted two, week-long training programs for the Judicial Technical Police in child sexual exploitation.

18. Do social programs exist in Panama to prevent the engagement of children in the worst forms of child labor and to assist in the removal of children engaged in the worst forms of child labor?

- The Ministry of Youth, Women, Children, and Family maintains training and assistance centers for children living in urban and rural areas. The centers provide health care,

educational opportunities, and vocational and social skills training to children and their families in an effort to prevent child labor.

- The Ministry of Education conducts a program for youth in the provinces of Panama and Colon called, In Search of a Better Tomorrow, which aims to encourage children to finish primary school.

- The NGO Casa Esperanza, which receives about 3% of its budget from the GOP, contacted 1,344 children and adolescent workers in the provinces of Panama, Colon, Cocle and Chiriqui in 2003. In August 2004, Casa Esperanza announced that during the past four years, it had retired 1,000 children under the age of 14 from work in 13 different coffee plantations.

- The Subcommittee for Eradication of Child Labor in Veraguas removed nine children from domestic work between March and July 2004 (see above).

- Primary schooling is widely available in Panama. Primary schools can usually be found even in small, remote villages.

- School is compulsory for all children through grade 6 and available publicly through grade 12.

- Primary and secondary education in Panama is free, but many rural areas do not have access to secondary education, and the GOP does not cover transportation costs.

- In 2003, according to the GOP Statistics Office, 419,903 students enrolled in primary school in Panama. 413,067 finished the school year.

- As part of the Country Program to Eliminate Child Labor (see above), in 2004 ILO/IPEC surveyed 515 child and adolescent workers not employed as domestics in two urban areas of Panama. Only 391 (70.1%) of the surveyed attend school. Girls attended at a higher level than boys. For 5-14 year olds, 13.7% did not attend school. 47.7% of boys and 62.5% of girls between the ages of 15-17 did not attend school. Approximately one half of the children and adolescents surveyed stated that they worked all day, suggesting that they worked full time and went to school simultaneously.

1D. Does Panama have a comprehensive policy to eliminate of the worst forms of child labor?

- Through the Country Program for Combating the Worst Forms of Child Labor in Panama (funded by USDOL), the GOP is working to create a program document and to identify the worst forms of child labor. ILO/IPEC expects the GOP will have identified the worst forms of child labor by December 2004, even accounting for delays because of the change in government on September 1.

- The GOP's policy to eliminate child labor includes not just the Ministry of Labor, but also the Ministry of Education; the Ministry of Health; the Ministry of Youth, Women, Family, and Children; the Technical Judicial Police's Sex Crimes Unit; the Public Ministry's Sex Crime Prosecutor; other ministries; a national commission; a national network; a national committee; churches; and nonprofit organizations.

1E. Is Panama making continual progress toward eliminating the worst forms of child labor?

- The child labor situation in Panama includes commercial sexual exploitation, agricultural labor, child labor as domestics, and urban work by grocery car washers, grocery baggers, and bus assistants.

- A survey of Child Labor by the GOP Statistics Office in October 2000, indicated that 7.6% (57,524) of children between the ages of 5 and 17 are economically active with 83.4% of them employed and 16.6% of them unemployed. Of

those employed, 76.8% were boys and 23.1% were girls.

- As discussed above, in 2004 the GOP made progress toward eliminating the worst forms of child labor through its work with ILO/IPEC to begin identifying the worst forms of child labor; by enacting Law 16 on March 31, 2004 and training the Technical Judicial Police and other agencies in this law; by creating the Subcommittee for the Eradication of Child labor in Veraguas province to combat child labor as domestics; and by studying the problem of child labor in two urban areas.

- The GOP supported DOL efforts to begin a Child Labor Education Initiative Program in Panama in the agricultural sector. An NGO, partially funded by the GOP, continued to remove children from agricultural labor. The Ministry of Youth, Women, Family, and Children maintained its training and assistance centers.

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